

***Recommendation from the Council for the Administration of Criminal Justice and Protection of Juveniles - Summary -***

**Recommendation on phased detention and conditional release**

*Recommendation to the Dutch Minister for Legal Protection, dated 12 June 2018*

At the request of the Minister for Legal Protection, the Advisory Division of the Council for the Administration of Criminal Justice and Youth Protection (hereinafter de Division) has issued a recommendation on the draft legislative proposal on 'Amendment of the Custodial Institutions Act, Dutch Criminal Code and any other relevant laws in connection with amendment of the regulations for phased detention and conditional release'. Conditional release is applied in service of prisoner resocialisation. Release is subject to general and specific conditions aimed at reducing the likelihood of recidivism, and involves monitoring and supervision. Release may be revoked if these conditions are not met. Some 1,100 convicted persons per year are eligible for conditional release. Some key points from the recommendation:

- The Division feels it is important to invest in good public information services on the penal system and safety benefits of resocialisation. This can also help to clear up any misunderstandings about conditional release.
- The Division recommends that the current conditional release system be maintained by operation of law ('conditional release, unless') instead of being granted to individual prisoners on a case-by-case basis.
- The Division takes the view that a maximum conditional release period of two years as proposed by the minister would excessively restrict long-term prisoners' resocialisation opportunities. A longer conditional release period will ensure that detainees' return to society can be supervised and monitored over a longer period of time (e.g. through treatment, supervision, notification requirements and location injunctions). This will serve to improve public safety.
- The Division has issued various recommendations aimed at strengthening the relevant prisoners' legal position.

*These recommendations can be consulted on the Council for the Administration of Criminal Justice and Youth Protection website [www.rsj.nl](http://www.rsj.nl) under the header Recommendations (Advisering)*

*The recommendation can be obtained from the secretariat of the Council*

*PO Box 30 137*

*2500 GC The Hague*

*+31 (0)70 - 36 19 300*

*[www.rsj.nl](http://www.rsj.nl)*